

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
D E P A R T M E N T O F H E A L T H

MAY 20 1996

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

No. C96-131

In the matter of:
Michael W. Seamans, D.O.

CONSENT ORDER

Pursuant to Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended, a complaint was filed with the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") charging Michael W. Seamans, D.O., Respondent, with violations of Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended. An investigation was conducted by Investigating Committee I, so called, of the Board.

Investigating Committee I reported its evaluations and recommendations to the Board. The report was reviewed by the Board and it recommended further action.

The following constitutes the Investigating Committee's Finding of Facts with respect to the professional performance of the Respondent.

Finding of Facts

1. The Respondent, a first year Fellow in EMG/Neuromuscular Diseases at an area teaching hospital, was arrested by North Smithfield, Rhode Island police on April 4, 1996 on charges of burglary, filing a false report, and possession of controlled substances.
2. The arrest and subsequent charges stemmed from an incident at a walk-in treatment center where the Respondent was "moonlighting." The Respondent faked a break into the treatment center's safe where controlled substances are kept, according to police reports. The Respondent authorized police to search his car where the drugs, alleged to have been stolen, were found in a cloth briefcase.
3. Among the narcotic agents alleged to have been stolen were: Meperidine, morphine, Percodan and Percoset, hydromorphone, hydrocodone, diazepam, midazolam, Ativan, Xanax and hypodermic needles.
4. The Respondent admitted staging the break in and taking the narcotic agents for his personal use. He was suspended from the Fellowship program at the training hospital on April 4, 1996.

5. The Board of Medical Licensure and Discipline finds the Respondent guilty of Unprofessional Conduct in violation of 5-37-5.1(5)(26) of the General Laws, for dependence upon controlled substances and violation of State and Federal Drug Control laws.

The parties agree as follows:

(1) The Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, osteopathic license No. 439.

(2) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

(3) Respondent has read this Consent Order and understands that it is a proposal of Investigating Committee II of the Board and is subject to the final approval of the Board. This Consent Order is not binding on respondent until final ratification by the Board.

(4) Respondent hereby acknowledges and waives:

- a. The right to appear personally or by counsel or both before the Board;
- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;

- e. The right to further procedural steps except for specifically contained herein;
- f. Any and all rights of appeal of this Consent Order;
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

(5) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct. If the Board approves, a Hearing Committee will be convened for the purpose of conducting the Administrative Hearing. The composition of the Hearing Committee is described by statute. If the Hearing Committee votes in favor of finding the Respondent guilty of unprofessional conduct as specified in the charges, the Board shall prepare written finding of fact

and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order dismissing the charges.

(6) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.

(7) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board. It shall be published as the Board, in its exercise of its discretion, shall determine.

(8) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

(9) Respondent voluntarily accepts the Board's finding of unprofessional conduct voluntarily and surrenders his license to practice medicine.

(10) The Respondent will enter and complete a three month in-patient treatment program. The Respondent shall enter into a contract with the Physicians Health Committee of the Rhode Island Medical Society or, if the Respondent seeks licensure in another state, he must enter into a similar contract with a similar group dedicated to monitoring physicians. Future monitoring must be in the form of frequent, unannounced urine

screens for a period of at least three years. All urine screens must be reported to the Board in Rhode Island or the state of licensure. The Respondent must execute releases to the Board of Medical Licensure and Discipline to obtain copies of any and all evaluation and treatment records. Any consideration for re-licensure in Rhode Island will be contingent upon successful treatment of addiction and a subsequent evaluation by a physician chosen by the Board.

Signed this 5th day of May 1996.

Michael W. Seamans D.O.

Michael W. Seamans, D.O.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on 8 May, 1996.

Patricia A. Nolan, MD, MPH
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Director of Health